



City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 6, 2005

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Mayor David Dermer
 Vice-Mayor Matti Herrera Bower
 Commissioner Simon Cruz
 Commissioner Luis R. Garcia, Jr.
 Commissioner Saul Gross
 Commissioner Jose Smith
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Certificates of Appreciation/Gustavo Sanchez, Cayetano Garcia & Carlos Devafona. (Bower)

- C2A Issue RFQ, Construction of Proposed 400 Space Cultural Campus Parking Garage.
- C2B Approve Purchase, (2) Ford Trucks from Atlantic Truck Center, \$121,845.
- C2C Issue RFP, Post Retirement Health Investment Program.
- C2D Issue RFQ, General Transportation Planning & Traffic Engineering Consulting Services.
- C2E BA 14-04/05, Maintenance of 911 Public Safety Answering Position Equipment, \$87,092.

- C6A Report: Neighborhood/Community Affairs Committee Meeting of June 2, 2005.
- C6B Report: General Obligation Bond Oversight Committee Meeting of June 6, 2005.

- C7A Execute Lease Agreement w/ Miami World Theater, Use of Office Space at 1701 Meridian Ave.
- C7B Accept Recommendation, Provide Assistance in Determining Employee Benefits Program.
- C7C Waive Bidding, Rental of Aluminum Tent for Golf Cart Storage at Miami Beach Golf Club. **5/7**
- C7D Execute MOA w/ FDOT, Turf & Landscape Maintenance Services on I-195 (Julia Tuttle CSWY).
- C7E Execute MOA w/ FDOT, Turf & Landscape Maintenance Services on I-395 (MacArthur CSWY).
- C7F Adopt & Appropriate 2nd Amendment to the Police Confiscation Trust Fund FY 2004/05 Budget.
- C7G Adopt 2nd Budget Amendment to the Police Special Revenue Account for FY 2004/04.
- C7H Accept Donation of 400 Universal Gun Cleaning Kits.
- C7I Execute Mutual Aid Agreement, Cities of Opa Locka, Miami Springs & Village of Biscayne Park.
- C7J Execute Interlocal Agreement w/ MPO, Coastal Communities Transportation Master Plan Study.
- C7K Reallocate Quality of Life/Resort Tax Funds, Tourism Oriented Projects in North Beach Area.

REGULAR AGENDA

- R5A **10:20 a.m. 2nd Rdg**, Uses in Public Rights of Way.
- R5B **1st Rdg**, Mechanical Parking Lifts. **5/7**
- R5C **11:00 a.m. 1st Rdg**, Procedures & Standards Applicable to Special Events.
- R5D **11:30 a.m. 1st Rdg**, Dev. Regs. for Single-Family Lots Abutting GC-Golf Course District. **5/7**

- R7A **10:15 a.m.** Approve Proposed Uses, Edward Byrne Memorial Justice Assistance Grant.

- R7B Adopt 2nd Amendment to General Fund FY 2004/05 Budget, City Attorney's Office.
R7C Accept Recommendation, Management of the City of Miami Beach Log Cabin Training Center.
R7D **11:45 a.m.** Pension Special Obligation Bonds.
R7E Approve Settlement Agreement, Normandy Isle Park & Pool Improvement Project.
R7F **11:00 a.m.** Amend City's Special Event Permit Requirements & Guidelines.
- R9A Board and Committee Appointments.
R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
R9C **W-Disc.** Status of Miami Beach Senior High School Construction. (Bower)
R9D **10:30 a.m.** Disc. Ordinance re: "Rehearings and Appeals." (Cruz)
R9E **Noon**, Disc. Resolution re: 11 Mile "Skyway" Over Tamiami Trail. (Bower)
R9F **W-10:30 a.m.** Review Appeal by Miami Beach Hotel Investors, LLC.
- R10A **1:00 p.m.** Notice of Attorney-Client Session: Club Madonna, Inc. V. CMB.
R10B **1:00 p.m.** Notice of Attorney-Client Session: CMB V. M-D County, Micky Biss & USA Express.

REPORTS AND INFORMATIONAL ITEMS

- A City Attorney's Status Report.
B Parking Status Report.
C Status Report on Fire Station No. 2.
D Status Report on Fire Station No. 4.
E Informational Report on Federal, State, County and All Existing City Contracts.
F **10:45 a.m.** Report on the 2005 Florida Legislative Session.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for May 2005.
3A Execute Retail Lease Agreement, Suites 1, 2, 3, & 4 in the Anchor Shops (100 16th Street).

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any Commission item to the alternate meeting date.

Meeting called to order at 9:35:37 a.m.

Invocation given by Rabbi Klief Rose, Temple Emanu-El.

Pledge of Allegiance led by Chief Jordan.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials:

R5B (Ordinance)

New Item:

Mayor Dermer stated that the City had a great Fourth of July celebration and great fireworks display in North Beach. He added that the staff deserves a lot of credit; he recognized Michael Aller and also added that the Miami Symphony Orchestra was wonderful. He announced that the celebration next year will take place in South Beach.

A video of the Fourth of July celebration was played.

2:14:40 p.m.

New Item:

Mayor Dermer congratulated Commissioner Steinberg and Micky Ross on their upcoming wedding, Sunday July 10, 2005.

PA - Presentations and Awards

9:42:11 a.m.

PA1 Certificates Of Appreciation To Be Presented To Detective Gustavo Sanchez, Lifeguard Cayetano Garcia, And Lieutenant Carlos Devafona, For Saving The Lives Of Two Young Women Visiting From New York City.

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Certificates presented.

Vice-Mayor Bower stated that on June 12th two Russian female students entered the ocean and were overcome by the surf due to the tropical storm. She stated that Detective Gustavo Sanchez was reporting for duty, he saw the ladies in trouble and called the dispatcher for help; jumped in the water and was able to bring one of the ladies out of the water. Also, Lieutenant Carlos Devafona was able to get lifeguard Cayetano Garcia to the scene. She stated that she appreciates the effort made by these employees, none of which were on duty, but were willing to help.

Chief Jordan accepted the Certificate on behalf of Mr. Cayetano Garcia.

Jorge Gonzalez, City Manager, stated that all public safety staff, Lifeguard, Police and Fire, are always ready to help save lives, and this is why training is so important.

10:07:28 a.m.

Mr. Cayetano Garcia was able to attend the meeting and Mayor Dermer commended him for his valiant effort in saving the lives of the two ladies visiting.

9:46:25 a.m.

ADDENDUM:

Vice-Mayor Bower requested a C4A item referral be added to the Commission Agenda as an emergency item, to discuss the issue of condominium owners receiving large special assessments on their units and not being in the position of meeting these obligations.

Motion made by Commissioner Smith to add the item as an emergency item; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. See item C4A.

Handout or Reference Materials:

1. Faxed letter from Roberto Datorre, President, Miami Beach Community Development Corporation, to Commissioner Matti Bower, dated July 8, 2005, Re: Special Assessment for Miami Beach Condo Owners.

CONSENT AGENDA

ACTION: Motion made by Commissioner Smith to approve the Consent Agenda; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Cruz.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) For Architectural, Engineering, Urban Design, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Construction Of The Proposed 400 Space Cultural Campus Parking Garage.

(Capital Improvement Projects)

ACTION: Request authorized. Gus Lopez to issue RFQ. Jorge Chartrand to handle.

- C2B Request For Approval To Purchase One (1) 2005 Ford F-650 Crew Cab Truck Chassis With A 14 Foot Stake Body And One (1) 2005 Ford F-650 Crew Cab Truck Chassis With An 11 Foot Utility Body From Atlantic Truck Center, In The Amount Of \$121,845.00, Pursuant To Florida State Contract No. 04-12-0823.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2C Request Approval To Issue A Request For Proposals (RFP) For Services To Administer And Implement A Post Retirement Health Investment Program, As Part Of The City's Employee Benefits Program, That Permits Employees To Contribute At The Time Of Separation Of Employment, A Portion Of Their Leave Settlement On A Pre-Tax Basis To Be Used For Future Health Related Expenses.

(Human Resources)

ACTION: Request authorized. Gus Lopez to issue RFP. Mayra Buttacavoli to handle.

- C2D Request For Approval To Issue A Request For Qualifications (RFQ) For General Transportation Planning And Traffic Engineering Consulting Services, On A As Needed Basis, Pursuant To Section 287.055, Florida Statutes Known As The Consultants' Competitive Negotiation Act (CCNA).

(Public Works)

ACTION: Request authorized. Gus Lopez to issue RFQ. Fred Beckmann to handle.

- C2E Request For Approval To Award A Contract To 911 Direct, Inc., In The Amount Of \$87,092 Pursuant To Invitation To Bid No. 14-04/05 For The Maintenance Of 911 Public Safety Answering Position Equipment For A Two (2) Year Period, With The Option To Renew For An Additional Three (3) Years, On A Year To Year Basis.

(Police Department)

ACTION: Award authorized. Chief De Lucca to handle.

Handout and Reference Materials:

1. Letter dated July 5, 2005, from Jorge M. Gonzalez, City Manager, to Ms. Elena Cordal, National Account Executive, Re: Invitation to Bid (ITB) No. 14-04/05 – Maintenance of 911 Public Safety Answering Position Equipment (the Bid).

9:47:57 a.m.

New Item:

C4A Referral to the Neighborhood/Community Affairs Committee.

Motion made by Vice-Mayor Bower to refer to the Neighborhood/Community Affairs Committee to discuss the issue of assessments on low income condominiums residents and what can be done to alleviate this situation; seconded by Commissioner Smith; Voice-vote: 6-0; Absent: Commissioner Cruz. **Vivian Guzman and Robert Middaugh to place on the committee agenda and to handle.**

Jorge Gonzalez, City Manager, explained the City has the Scattered Site Home Buyer Assistance Program which helps low income individuals achieve homeownership mainly in condominiums and the use of this money is limited to improvements or ownership within the units. What is apparently happening now is that common areas or exterior areas are now being required to be fixed or repaired which require an assessment to all of the condominium owners. This impacts low wage earners and especially those individuals who got the condominium through the Scattered Home Program. He stated that what Vice-Mayor Bower is trying to do is explore the regulations of the Scattered Site Program to see if it will allow using those funds to help with the assessments.

Vice-Mayor Bower asked that HUD be contacted to see if they can do anything. She also stated that maybe a low interest loan could be arranged with a bank. **Vivian Guzman to handle.**

Handout or Reference Materials

1. Letter to Commissioner Matti Bower from Roberto Datorre, President, Miami Beach Community Development Corporation, dated July 8 [sic], RE: Special Assessment for Miami Beach Condo Owners

C6 - Commission Committee Reports

C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of June 2, 2005: **1)** Discussion On Amended Noise Ordinance; **2)** Discussion Regarding Sixteen Street Operational Improvements And Enhancement Project - Phase I - Professional Services Agreement; And **3)** Discussion Regarding Special Events Guidelines Revisions.

ACTION:

Item No. 1:

No action was required by the Committee.

Item No. 2:

Action: The Committee was satisfied with the concept as presented. No action was required by the Committee.

Item No. 3:

Action: The Committee moved to bring the item to the full City Commission.

City Clerk's note: see Commission Agenda item R5C and R7F.

C6B Report Of The General Obligation Bond Oversight Committee Meeting Of June 6, 2005: **1)** Discussion Items: A) Fence At South Shore Community Center; **2)** Recommendation To City Commission: A) Glatting Jackson Amendment For West Avenue Neighborhood; **3)** Project Status Report: A) Update On Fire Station No. 2; B) Update On Fire Station No. 4; C) Normandy Isle Park And Pool; And **4)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) Flamingo Neighborhood Parking Impact.

ACTION:

Item No. 1A:

The Committee discussed the removal of the fence at the South Shore Community Center. A Committee member expressed concern that the fence was to remain, but was recently removed. He was concerned with vagrancy and illicit activities taking place at the Community Center, and wanted to see a fence put up on the Jefferson Avenue side of the Community Center. The Administration will work with the Committee member to address his concerns. **Jorge Chartrand to handle.**

Item No. 2A:

The Administration presented an item to the Committee regarding awarding additional services to the A/E firm for the West Avenue Neighborhood Right-of-Way (ROW) Infrastructure Improvement Project. In May 2001, the City executed an agreement with Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart (Glatting Jackson) for the design of the West Avenue Neighborhood ROW Improvement Project for a fee of \$231,444. After several years of the planning effort being placed on hold to identify additional funding for the water and stormwater components identified by the Community at CDW No. 1, the City has determined that it would be in the City's best interest to move forward with the additional planning efforts to complete the planning phase and adopt a BODR. The proposed amendment allows Glatting Jackson to finish the planning effort for the above ground improvements as well as addressing the comments made by the Community during CDW No. 1. The BODR can be adopted with the appropriate recommendations for improvements, but the design and construction of the improvements will be placed on hold until sufficient funding is identified. The Committee recommended that the City Commission approve an amendment for \$134,009 for Glatting Jackson for additional planning services.

City Clerk's note: see June 8, 2005 Commission Meeting, Agenda item C7B - Resolution No. 2005-25917.

Item No. 3A:

The Administration informed the Committee that the **Fire Station No. 2** project conflicts between the pilings and the foundation of the existing building have been resolved, and the pilings are almost complete. The project is moving along well.

Item No. 3B:

The Committee was told that the work for the **Fire Station No. 4** is continuing. The slab is being poured, and the civil work (water lines, irrigation and fire line connections) are underway. Sanitary sewer and drainage systems are complete. The seawall is almost complete.

Item No. 3C:

With regard to the **Normandy Isle Park and Pool** project, the Administration has received communication from the Surety that they are moving forward with the Invitation to Bid (ITB) for a replacement contractor. The Surety received some responses to the ITB, but a final determination of contractor has not yet been made. The City is still working and negotiating with the Surety and will continue to seek all remedies with the Surety to finish the pool project. The park portion of the project is under construction.

City Clerk's Note: see Commission Agenda item R7E – Settlement Agreement with Regosa.

Item No. 4A:

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Item No. 4B:

The Committee was advised that the loss of parking in the direct area of the proposed "Las Ramblas" concept in the Flamingo Neighborhood was approximately 21 parking spaces. Because the design hasn't been finalized, and there currently are no defined, striped parking spaces, it is difficult to determine the exact number of parking spaces as a starting point to determining how many will be lost if the concept is implemented. Also, because the design for the neighborhood is not developed enough, it is not yet feasible to determine how many parking spaces will be gained or lost in the neighborhood as a whole.

C7 - Resolutions

- C7A A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement By And Between The City Of Miami Beach And Miami World Theater, Inc., A Not-For-Profit Cultural Entity, For The Use Of Approximately 2690 Square Feet Of Office Space In Suites 401 And 403 Of The City-Owned Building, Located At 1701 Meridian Avenue, Miami Beach, Florida, For A Term Of Six (6) Months, Retroactively Commencing On July 1, 2005, And Ending On December 31, 2005.
(Asset Management)

ACTION: Resolution No. 2005-25937 adopted. Joe Damien to handle.

- C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 11-04/05 For Broker/Agent Services To Provide Assistance In Determining The City's Employee Benefits Program; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of Gallagher Benefit Services, Inc.; And Should The Administration Not Be Able To Negotiate With The Top Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of HRH (Hilb Rogal & Hobbs) Of South Florida; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.
(Human Resources)

ACTION: Resolution No. 2005-25938 adopted. Mayra Buttacavoli to handle.

- C7C A Resolution Waiving By 5/7ths Vote, The Competitive Bidding Process, Finding Such Waiver To Be In The City's Best Interest, And Approving And Authorizing The Administration To Increase A Standing Order To Tropical Tents, Inc., For Continuing The Rental Of One Custom Size Clear Span, Aluminum Frame Tent For Use As A Temporary Golf Cart Storage And Electrical Charging Facility At Miami Beach Golf Club, On A Month To Month Basis, Not To Exceed Thirty (30) Months From The Adoption Of This Resolution, For A Total Cost Not To Exceed \$120,000.
(Parks & Recreation)

ACTION: Resolution No. 2005-25939 adopted. Kevin Smith to handle.

- C7D A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Memorandum Of Agreement (MOA), With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-195 (Julia Tuttle Causeway); From The East Side Of The Intracoastal Bridge To Alton Road At The Annual Cost Of \$150,000 To Be Paid To The City Of Miami Beach By The Florida Department Of Transportation; Said Agreement Commencing Retroactively On September 1, 2005, And Concluding On August 31, 2006, With An Option To Renew For Two Years, On A Year-To-Year Basis.

(Parks & Recreation)

ACTION: Resolution No. 2005-25940 adopted. Kevin Smith to handle.

- C7E A Resolution Authorizing The Mayor And City Clerk To Execute The First Annual Renewal Of The Current Memorandum Of Agreement (MOA), With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-395 (MacArthur Causeway), From The East Side Of Watson Island To West Edge Of The East Channel Bridge, At The Annual Cost Of \$150,000 To Be Paid To The City Of Miami Beach By The Florida Department Of Transportation; Said Renewal Term Commencing On September 1, 2005, And Concluding On August 31, 2006, With All Terms And Conditions Remaining As Stipulated In The Memorandum Of Agreement Entered Into In September 1, Of 2004.

(Parks & Recreation)

ACTION: Resolution No. 2005-25941 adopted. Kevin Smith to handle.

- C7F A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2004/05 In The Amount Of \$70,000 To Be Funded From The Proceeds Of State (\$30,000) And Federal-Justice (\$40,000) Confiscated Funds.)

(Police Department)

ACTION: Resolution No. 2005-25942 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7G A Resolution Adopting The Second Budget Amendment To The Police Special Revenue Account For Fiscal Year 2004/05 In The Amount Of \$9,700, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.

(Police Department)

ACTION: Resolution No. 2005-25943 adopted. Chief De Lucca to handle.

- C7H A Resolution Accepting The Donation Of 400 Universal Gun Cleaning Kits, At A Value Of \$5 Each For A Total Of \$2,000 From David Collins, To Be Utilized For Cleaning And Maintaining Departmentally Issued Firearms.

(Police Department)

ACTION: Resolution No. 2005-25944 adopted. Chief De Lucca to handle.

- C7I A Resolution Authorizing The Mayor, Or His Designee, And The City Clerk To Execute A Mutual Aid Agreement With The Cities Of Opa Locka, Miami Springs, And The Village Of Biscayne Park, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The Cities Of Opa Locka And Miami Springs.
(Police Department)

ACTION: Resolution No. 2005-25945 adopted. Chief De Lucca to handle.

- C7J A Resolution Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement With The Metropolitan Planning Organization (MPO), In The Amount Of \$111,546, For The MPO's Share Of The \$275,000 Coastal Communities Transportation Master Plan Study.
(Public Works)

ACTION: Resolution No. 2005-25946 adopted. Fred Beckmann to handle.

- C7K A Resolution Approving And Authorizing The Reallocation Of \$24,107.59 In Previously Appropriated City Of Miami Beach Quality Of Life/Resort Tax Funding From Fiscal Year 2002/2003 For The Purpose Of Funding Tourism Oriented Projects In The North Beach Area; Specifically For Events In North Beach.
(Tourism & Cultural Development)

ACTION: Resolution No. 2005-25947 adopted. Max Sklar to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:20:03 a.m.**

R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights Of Way," Division 2 "Temporary Obstructions" Section 82-151 (C) (4), By Modifying Permit Fees, To Add An Alternative Permit Fee Based On A Certified Appraisal Of Market Value Of The Area To Be Closed Or Occupied, With The Applicant Paying The Higher Of The Fee As Specified In Appendix "A," Or The Fee Based On The Certified Appraisal Of Market Value; Providing For Repealer, Codification, Severability And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Public Works)

(First Reading on June 8, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3489 adopted as amended.** Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Fred Beckmann to handle.

Amendment:

Motion made by Commissioner Steinberg to amend the ordinance as follows:

Last sentence to (4):

Unless the Department determines that seeking a certified appraisal would not be cost effective, the Department must obtain an appraisal. If no certified appraisal is obtained the fee as specified in Appendix A shall apply.

Fred Beckmann, Public Works Director, introduced the item.

Commissioner Gross asked where the money goes.

Fred Beckmann, Public Works Director, replied that the money goes into the General Fund.

Commissioner Gross stated that it would be nice if the people who are inconvenienced by the obstruction to the public right of way could somehow benefit from this money.

Mayor Dermer stated that this could be done through the budget process and the funds could be earmarked.

Jorge Gonzalez, City Manager, stated that certain areas will see more activity than others and that is why the money goes into the General Fund and then the budget process can prioritize how to spend the money.

Vice-Mayor Bower stated that the General Fund is a good place, but if the funds will be earmarked she would earmark the money for parks and recreation, since everybody uses the parks and will make the parks more available to all the children.

Commissioner Garcia stated that the funds should not be limited to parks and recreation, but should be given back to the area, maybe if a tax break cannot be done the money should be used to restore the area affected to its original condition, such as sidewalks, landscaping and streets.

Jorge Gonzalez, City Manager, stated that Commissioner Garcia's suggestion is a fair way to distribute the money; the first thing to do is that when the obstruction is removed, the right of way is restored to its original condition. It should also be noted that this is an obligation of the developer.

Vice-Mayor Bower suggested that the funds could be earmarked for affordable housing.

Commissioner Gross stated that if something could be done in the immediate neighborhood affected by this project, consideration should be given to benefit the people that were affected.

Gary Held, First Assistant City Attorney, distributed an amended ordinance addressing Section 82-151(4).

Vice-Mayor Bower stated that if the funds are not going to go to the General Funds, then the allocation of the funds need to be discussed in Committee.

Commissioner Steinberg requested an amendment to the ordinance:

Unless the Department determines that seeking a certified appraisal would not be cost effective, the Department must obtain an appraisal. If no certified appraisal is obtained the fee as specified in Appendix A shall apply.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.
2. Amended ordinance distributed by the Legal Department.
3. Email to Richard Steinberg, from Fred Beckmann dated July 5, 2005 re: Amendment to Right-Of-Way (ROW) Ordinance.

10:32:17 a.m.

Mayor Dermer recognized and thanked Senator Margolis and stated that this has been the best Legislative Session that he can remember. He thanked her and her colleagues for their efforts.

1:56:46 p.m.

Supplemental Materials - Ordinance

R5B Mechanical Parking Lifts

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article III "Design Standards," Creating Section 130-72 "Mechanical Parking," Defining Mechanical Parking, And Prohibiting The Use Of Mechanical Parking To Satisfy Off-Street Parking Requirements; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Item referred. A new ordinance is to be drafted and referred to the Land Use and Development Committee without objections. Jorge Gomez to place on the committee agenda and to handle.

Jorge Gomez, Planning Director, explained the item.

Commissioner Steinberg explained that there should be a variance option provided that the number of units is not increased as a result of mechanical parking. He stated that the Planning Board is concerned that more intense projects will result from this and the City Commission shares this concern. He asked if there is a way to reduce the size of the pedestal, if not increasing the number of units, or if there is a way to, with the same pedestal, provide an increase of parking so that there are more than 1 ½ parking spaces per unit.

Commissioner Smith stated that he does not think the ordinance as drafted is inconsistent as long as it does not increase the density of the building. This is what this ordinance is designed to do.

Jorge Gonzalez, City Manager, stated that what Commissioner Steinberg is saying is that this ordinance says as long as a developer builds through conventional means the parking required for his project, then anything above that could be mechanical. He further explained that as long as the envelope does not change and there is no additional intensity or density, if the developer can meet his required parking through mechanical means, then what is so bad about that? This ordinance does not allow that.

Commissioner Smith stated that by allowing mechanical parking, the City is in effect creating additional density.

Commissioner Steinberg stated he is trying to avoid that. He is requesting to allow a variance so that a developer can say to the board that he can build with conventional parking or with the same number of units and the same building above it, the developer can shrink the pedestal and provide the same parking without increasing the number of units.

Commissioner Smith stated that mechanical parking is not Miami Beach and he does not feel comfortable nor would the neighbors feel comfortable with it.

Commissioner Steinberg stated that if there was a residential project going up and the pedestal was going to be of a certain size and it was going to have 1 ½ parking spaces per unit as required, and you ask the neighbors if they would allow a mechanical garage and shrink the pedestal and have the same amount of spaces, the neighbors will accept that. He explained that if you said in a residential project go create more parking so that it will eliminate parking on the streets the neighbors will accept it. He added that the variance language would read that the Board of Adjustment may grant a variance provided that the applicant can establish that the use of mechanical parking will not increase the number of units or otherwise affect the intensity of the project, but for the increase or parking.

Gary Held, First Assistant City Attorney, stated that he recommends not to put this to the Board of Adjustment which has hardship standards and other standards that are necessary for the granting of a variance. He suggested creating a standard that is applicable to mechanical parking should go to another board.

Jorge Gomez, Planning Director, suggested adding a restrictive covenant to the use of robotic parking to prevent amendments to the interior to lower the number of units later on.

Commissioner Steinberg accepted this covenant.

Jorge Gonzalez, City Manager, suggested holding off on this and letting the Administration draft a new ordinance that accomplished what has been discussed, and submit to the Land Use and Development Committee.

11:05:38 a.m.

R5C An Ordinance Amending Chapter 12, Article II Of The Code Of The City Of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, And Clarifying And Amending The Definition, Procedures And Standards Applicable To Special Events; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading.**
(Tourism & Cultural Development)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Smith; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 27, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Max Sklar to handle.

Max Sklar, Tourism and Cultural Development Director, introduced the item.

Vice-Mayor Bower stated that she had asked for a list of the neighborhood associations and other organizations. She received a partial list but it has not been updated. There has to be criteria which are used to establish and identify neighborhood associations and other organizations. She requested to be involved in this process. **Max Sklar and Vivian Guzman to handle.**

Kent Harrison Robbins, representing 1500 Ocean Drive Condominium Association, spoke.

Frank Del Vecchio spoke.

Dr. Morris Sunshine spoke.

Alexander Meadows, Executive Director of PR and Marketing for Lincoln Road Marketing, Inc., spoke.

Shera Brody, Lincoln Road Marketing, spoke.

Stuart Blumberg, President Greater Miami & Beaches Hotel Association, spoke.

- 1) Mayor Dermer stated that all ages special event permits to alcoholic beverage establishments is a bad idea. It was the consensus of the City Commission to eliminate this.
- 2) Discussion was held regarding events held in public parks and it was agreed that there should be uniformity in the GU zoned areas. The guidelines recommend non-conforming uses in residential areas. For example; in South Pointe, outdoor entertainment which is not permitted now, will not be permitted with a special event permit. However, South Pointe Park and Pier Park are technically exempt from that restriction; the recommendation is that they be allowed to exist and go to the normal process with the neighborhood review, etc. The Administration is seeking guidance on this.
There was consensus on the City Commission to allow for special events in all public parks, including South Pointe Park, Pier Park and Island View Park.

Jorge Gonzalez, City Manager, explained that about a year ago the City Commission passed an ordinance prohibiting outdoor establishments having outdoor entertainment in the South Pointe and the Sunset Harbor areas. The Special Events Guidelines stated that a special event permit can be obtained as long as it consistent with what zoning allows. He stated that South Pointe Park, Pier Park and Island View Park in Sunset Harbor are GU zones, which technically allows an exception to the ordinance passed about a year ago. The Administration is suggesting that this be clarified to state that in fact South Pointe Park, Pier Park, Sunset Harbor and other areas be treated the same as other parks such as Collins Park, Flamingo Park, etc., where if an organization such as the March of Dimes, for example, want to have a marathon start and finish at the park that it will be allowed.

- 3) Regarding Lincoln Road, the Administration recommended that the event be permitted as long as is not selling products; attracts people to the Road and that is open to the public.

Commissioner Gross stated that perhaps an exception can be made for business associations.

Language will be drafted for second reading to allow activities that are for public use and not a commercial event.

- 4) Jorge Gomez, Planning Director, explained that at the time of the public hearings on the ordinance prohibiting outdoor entertainment in South Pointe and Sunset Harbor, the City Commission asked about the weddings and bar mitzvah's at hotels, and it was the consensus of the Commission that those types of uses were not the type of uses being prohibited. The City Commission made it very clear that those customer associated accessory uses at the hotels were not in the providence of the prohibited uses contemplated at the time. These are not conditional uses.

Commissioner Smith stated that he does not want to see the accessory uses overriding the main permitted use.

Commissioner Gross stated that the remaining issue is what the requirements in the noise ordinance will look like.

Jorge Gonzalez, City Manager, stated that there is a Miami-Dade County noise ordinance and it has been upheld by the courts. The issue remaining is the progressive discipline. The noise ordinance for hotels will be governed by the same noise ordinance. Depending on the number of violations, the accessory use or conditional use could be suspended for some period of time. **Lilia Cardillo to place the proposed amendments to the noise ordinance with progressive penalties on the September 7 Commission Agenda. Robert Middaugh to handle.**

Robert Datorre, Assistant City Attorney, clarified that the suspension portion of the ordinance regarding businesses that have residents such as hotels, apartments, or homes, would be treated differently. After a certain amount of occurrences, either their occupational licenses are suspended or they will be prohibited from doing accessory uses or conditional uses on the property. For example, for a hotel, the City cannot tell the hotel guests to leave, but the hotel will not be allowed accessory uses or conditional uses for a certain period of time.

Mayor Dermer thanked Max Sklar and the Planning Department for their hard work on this issue and stated that the number of people affected by noise has been drastically reduced.

Stuart Blumberg, President, Greater Miami & Beaches Hotel Association, stated that this weekend the City is hosting 3,800 meeting planners. The meeting planners will book about \$150 million dollars into the host community over the next five to six years.

Jorge Gonzalez, City Manager, also recognized and commended Robert Middaugh for his efforts.

Commissioner Gross also thanked the residents who have participated in the process.

City Clerk's note:

1. See Agenda item R7F.
2. The September 7, 2005 Commission Meeting date was changed to September 8, due to a conflict with Miami-Dade County Schools and the public hearing for Miami Beach's Fiscal Year 05/06 Budget.

1:07:14 p.m.

- R5D Development Regulations For Single-Family Lots Abutting A GC-Golf Course District
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Creating Section 142-109, "Development Regulations For Single-Family Lots Abutting A GC Golf Course District," Providing For Legal, Non-Conforming Status For Existing Structures, Rear Setbacks And Encroachments Into Easement Areas; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** .
(Planning Department)

ACTION: Item deferred. Motion made by Commissioner Cruz to defer the item to December 7, 2005; seconded by Vice-Mayor Bower; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout of Reference Material

1. Email to City Commission from Rosemary Hoffman Hansford, President, La Gorce/Pine Tree Homeowners' Association, dated July 1, 2005.
2. Color map (Exhibit "A") of La Gorce East side easement – Utility Easements Circumventing the La Gorce Golf Course (x2).

R7 - Resolutions

10:18:07 a.m.

- R7A A Resolution Following A Duly Noticed Public Hearing On July 6, 2005, Approving The Proposed Uses Of The Edward Byrne Memorial Justice Assistance Grant Program Funds, In An Amount Not To Exceed \$125,000, For The Purchase Of Traditional Law Enforcement Equipment And Approved Technology; Further Appropriating The Grant Funds, If Approved And Accepted By The City, And Authorizing The Mayor, City Manager, And City Clerk To Execute Of All Necessary Documents Related To This Application. **10:15 a.m. Public Hearing.**
(Grants Management)

ACTION: Public Hearing held. Resolution No. 2005-25948 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

10:07:28 a.m.

- R7B A Resolution Adopting The Second Amendment To The General Fund Fiscal Year (FY) 2004/2005 Budget To Amend The City Attorney's Office Budget In The Amount Of \$240,000.
(City Attorney's Office)

ACTION: Resolution No. 2005-25949 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Kathie Brooks to handle.

10:11:50 a.m.

R7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Organizations Pursuant To Request For Proposals (RFP) No. 12-04/05 For The Administration And Management Of The City Of Miami Beach Log Cabin Training Center; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Organization Of Sunrise Community, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.
(Neighborhood Services)

ACTION: Resolution No. 2005-25950 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Vivian Guzman to handle.

Commissioner Garcia stated that he was opposed to issuing the RFP because he felt the staff was doing a good job. He stated that he wanted to know more about Sunrise Communities, Inc., such as the company composition, who owns it and what type of company they are.

Gus Lopez, Procurement Director, gave an overview of Sunrise Communities, Inc.

Jorge Gonzalez, City Manager, added that one measure the Evaluation Committee took into consideration is the State of Florida's evaluation tool, Delmarva, Developmental Disabilities Collaborative Outcomes Review and Enhancement Review protocol. Sunrise Communities, Inc., scored a rare 100% in each category of the core competencies.

Commissioner Garcia asked for the names of the principals. He stated that in the past some of these groups are friends of the Commission and he wants to know that this is not the case with this company. He explained that he will vote against it until more information is provided.

Handout and Reference Materials:

1. Letter from Jorge M. Gonzalez, City Manager, to Ms. Helena Del Monte, Executive Director, The Association for the Development of the Exceptional, Inc. (ADE), dated July 5, 2005, Re: Request for Proposal (RFP) No. 12-04/05 – Administration and Management of the City of Miami Beach Log Cabin Training Center (the RFP).

12:56:01 p.m.

R7D A Resolution Authorizing The Issuance Of Not To Exceed \$60,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Taxable Special Obligation Refunding Bonds (Pension Funding Project), Series 2005, For The Principal Purposes Of, Together With Other Available Moneys: (I) Refunding Certain Outstanding City Of Miami Beach, Florida Taxable Special Obligation Bonds (Pension Funding Project), Series 1994; And (II) Making Any Required Termination Payment With Respect To A Hedge Agreement; Providing For The Rights And Security Of All Holders Of Bonds Issued Pursuant To This Resolution; Providing Certain Details Of The Bonds; Delegating Other Details And Matters In Connection With The Issuance Of The Bonds, The Refunding Of The Prior Bonds To Be Refunded And The Hedge Agreement To The Mayor, Within The Limitations And Restrictions Stated Herein; Appointing A Bond Registrar; Authorizing A Book-Entry Registration System For The Bonds; Authorizing The Negotiated Sale And Award By The Mayor Of The Bonds To The Underwriters, Within The Limitations And Restrictions Stated Herein; Approving The Form Of And Authorizing The Execution And Delivery Of A Bond Purchase Agreement; Approving The Form Of And Distribution Of A Preliminary Official Statement And Official Statement And Authorizing The Execution And Delivery Of The Official Statement; Covenanting To Provide Continuing Disclosure In Connection With The Bonds In Accordance With Securities And Exchange Commission Rule 15C2-12 And Authorizing The Execution And Delivery Of A Commitment With Respect Thereto; Authorizing The Refunding, Defeasance And Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Approving The Form Of And, If Necessary, Authorizing The Execution And Delivery Of An Auction Agent Agreement And The Appointment Of An Auction Agent; Creating Certain Funds And Accounts And Providing For The Application Of The Proceeds Of The Bonds; Providing For A Bond Insurance Policy For The Bonds; Providing For The Deposit Of A Reserve Account Insurance Policy To The Credit Of The Debt Service Reserve Account And Approving The Form Of And Authorizing The Execution And Delivery Of A Guaranty Agreement With The Provider Thereof; Providing Covenants For The Provider Of Such Credit Facility And Reserve Account Insurance Policy; Providing For A Surety Bond For The Hedge Agreement If Not Terminated Or Assigned; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date.

(Finance Department)

ACTION: Resolution No. 2005-25951 adopted. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 7-0. Patricia Walker to handle.

Handout or Reference Material:

1. Resolution and Attachments for the Pension Special Obligation Bond Item

9:53:20 a.m.

R7E A Resolution Approving A Settlement Agreement And Release Between The City Of Miami Beach And St. Paul Travelers, On Behalf Of Itself And Of Regosa Engineering, Inc., In Full And Final Settlement Of All City Claims For Damages Against Both Entities For The Scope Of Work For The Pool Portion Of The Normandy Isle Park And Pool Improvement Project; Accepting Payment, In The Amount Of \$475,000.00; And Appropriating Said Amount To Provide Sufficient Funding To Complete The Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2005-25952 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, explained this project is at a standstill because of having to default the contractor. This item is approving a settlement agreement between the City and the Surety

Company that held the bond for the contractor. He explained that what normally happens is the bond holder has the option of completing the project or funding the remaining portions of the projects. The City has reached a settlement with the bond holder in the amount of \$475,000. He stated that the money left in the contract, plus the settlement money from Surety will allow the City to award a contract to J.O.C. Contractor and proceed with the completion of the park and the pool project, and hopefully have completion by next summer. He mentioned that a couple of months ago the Commission approved a \$1.1 million appropriation to proceed with this project, that appropriation will not be needed at this time, except for perhaps no more than \$186,000; this appropriation came from the North Beach Quality of Life and the Parking Funds. He stated that the Parking Fund will not be touched but if the \$186,000 if needed will come from the North Beach Quality of Life allocation.

Commissioner Smith asked why it will take to the summer of 2006 to complete the pool.

Jorge Chartrand, Acting CIP Director, explained the process necessary to complete the pool. He added that at this, the City could issue a notice to proceed as soon as next week; however, reviews need to take place to determine the exact condition of the project. He stated that is a conservative estimate and the Administration will continue to push the contractor.

Commissioner Garcia stated that several years ago when he asked Jorge Chartrand how long it was going to take to complete Fire Station 4, Jorge's estimate was accurate.

Commissioner Gross asked if the \$1.1 million dollars appropriated at a previous meeting is being used.

Jorge Gonzalez, City Manager, stated that the project may be short \$186,000 if the full ten percent contingency has to be spent. If this is the case, \$186,000 will have to come out of the \$1.1 million appropriation. If necessary, only the North Beach Quality of Life funds will be used. He added that this worked out the way the City had hoped. The \$1.1 million appropriation was intended to spur the decision; this made the Surety come to the table and settle. He explained what was remaining in the Regosa Purchase Order to be competed is \$1.198 million and the difference is part of the settlement claim. He explained that the \$1.1 million appropriation was needed because at the time the balance of the Regosa contract was not available since the City and Regosa had not settled.

11:05:30 a.m.

R7F A Resolution Amending The City's Special Event Permit Requirements And Guidelines, As Originally Adopted Pursuant To Resolution No. 2001-24341, April 18, 2001.
(Tourism & Cultural Development)

ACTION: Resolution No. 2005-25953 adopted. Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 7-0. Max Sklar to handle. See Action R5C.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:**Community Development Advisory Committee:**

Rachel Umlas Term expires 12/31/06 Appointee by Commissioner Gross TL12/12
(needs to resign from the Commission on the Status of Women Committee)

Community Relations Board:

Tara O. West Term expires 12/31/06 Appointed by Commissioner Garcia TL12/12

Commission for Quality Education in Miami Beach:

Ken Kopstein Term expires 06/30/06 Representative from North Beach Elementary
Ann Lampner Term expires 06/30/06 Representative from Ruth K. Broad
Elementary
Karen Rivo Term expires 06/30/06 Representative from Nautilus Middle School.

Miami Beach Commission on the Status of Women:

Diana Susi (TL 12/31/05) Term expires 12/31/06 Appointed by Mayor Dermer

Public Safety Advisory Committee:

Francine Leibman Term expires 12/31/05 Appointed by Vice-Mayor Bower

Transportation and Parking Committee:

Jeff Bradley Term expires 12/31/05 Representative from the MBCDC
Judy Evans Term expires 12/31/05 Representative from the MBTMA

1:54:08 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

Carlo Gambino, homeowner of property in La Gorce Golf Country Club spoke. He understood that the La Gorce Country Club issue was going to be addressed in the morning but it was deferred. He asked the reason why he has to wait until December 7 to resolve the issue on the land that he purchased.

Mayor Dermer explained that a request was made from the Neighborhood Associations to defer the matter.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

R9C Discussion Regarding The Status Of Miami Beach Senior High School Construction.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Withdrawn by Vice-Mayor Bower.

10:32:53 a.m.**1:08:08 p.m.**

R9D Discussion Regarding An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," Section 118-197, "Review Of Conditional Uses," And Article X, "Historic Preservation," Section 118-537, "Rehearings And Appeals," To Amend The Procedures By Which Appeals Are Taken From Certain Decisions Of The City's Planning Board And Historic Preservation Board, By Providing That Appeals From Such Boards Be Taken First To The City Commission; Providing For Codification, Repealer, Severability And An Effective Date.
(Requested by Commissioner Simon Cruz)
(Deferred from June 8, 2005)

ACTION: Discussion held. Motion made by Commissioner Steinberg to refer the ordinance to the Land Use and Development Committee; seconded by Commissioner Smith; Voice vote: 7-0. Jorge Gomez to place on the committee agenda and to handle.

Commissioner Cruz explained the item.

Commissioner Smith agreed that the appeals process needs to be streamlined and a lot of people do not know their appellant rights. He stated that the applicants should be advised of their appellant rights at the beginning of the process; they should know that if they do not agree with the decision of the Historic Preservation Board they can go to the Special Master. He stated that appeals to the Planning Board go to the Circuit Court and that can be expensive and time consuming. In his opinion, the appeal process is not the problem, but the amount of discretion the boards have, the Planning Board in particular, with respect to conditional uses, lot splits, docks etc. The City has delegated so much authority that there is a lack of predictability and certainty and people are treated differently. He suggested reviewing conditional uses, lot splits, docks where too much authority has been delegated. In some cases the Planning Board has even reversed the decision made by City staff even when there was no opposition from the neighbors. He suggested that that specific criteria and standards should be provided to the boards to assure predictability of the decisions.

Bill Farkas, Executive Director of the Miami Design Preservation League, stated that the time period to submit an appeal should be extended and the \$500 appeal fee is too high and should be lowered.

Commissioner Gross stated, for the record, that the composition of the Historic Preservation Board and the Design Preservation Board is of professionals, either architects or designers, who have the experience in reviewing buildings, and for the record, he had the City Clerk read the composition of the members of those boards.

Commissioner Steinberg stated that there should be guidance to the boards so people have some certainty. He is concerned about having all the appeals come to the City Commission because appeals will be presented simply because the applicant is not happy with the decision and not because the board did something wrong.

Jorge Gomez, Planning Director, stated that Design Review Board appeals go to the City Commission, History Preservation Board appeals go to the Special Master, and Planning Board and Board of Adjustment appeals go to the District Court.

Vice-Mayor Bower stated she is more concerned that people are being treated differently and asked why the Planning Board decisions are appealed to the Courts instead of the Special Master. **Jorge Gomez to handle.**

Commissioner Gross stated that the decisions cannot be standardized because the circumstances are different on every case and the decisions should be the same even if there is no opposition from

the neighbors. He stated that it is very difficult to make the guidelines so specific as to predict what the decision will be.

Mayor Dermer thanked Commissioner Cruz for this discussion and stated that Mr. Farkas's suggestions should be considered, particularly using the Special Master in all appeals. He stated when it comes to personal issues in reference to people's homes and the board ignores the recommendation from staff then that may fall into abuse of discretion and can be arbitrary and capricious. He stated that the suggestions by Mr. Farkas to extend the filing period to 30 days instead of 15, and reduce the appeal fee and perhaps give the Special Master the discretion to waive the appeal fees.

Commissioner Garcia asked for uniformity among the boards for the appeals process; by having all Land Use Boards appealing to the Special Master.

Commissioner Smith stated that language should be on the application explaining the appellant rights. **Jorge Gomez to handle.**

Vice-Mayor Bower stated that a waving of fee should be provided for organizations such as homeowner associations, etc., to facilitate the appeals process.

Mayor Dermer stated if an ordinance comes out of this process, the City Commission needs to be very careful as to who they appoint as Special Master because they would need to be skilled and knowledgeable and should have an understanding of how the City functions.

1:02:32 p.m.

R9E Discussion Regarding A Resolution Urging The United States Army Corps Of Engineers (ACOE) To Select, As An Alternative In Its Modified Waters Delivery Project, An Elevated 11 Mile "Skyway" Over The Tamiami Trail To Support The Restoration Of The Everglades And Directing City Representatives To Submit Letters To The ACOE And To The Miami-Dade Metropolitan Planning Organization Recommending The City's Position.

(Requested by Matti Herrera Bower)

ACTION: Discussion held. **Resolution No. 2005-25935 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent Commissioner Gross. Fred Beckmann to transmit to the U.S. Army Corps of Engineers and Commissioner Smith, Miami Beach's representative to the Miami-Dade Metropolitan Planning Organization (MPO) to send a letter to the MPO.

Kent Harrison Robbins, Esq., spoke in support of environmental causes.

Jonathan Ullman, Sierra Club Everglades Field Director, showed a rendering of what would be the 11-mile roadway over Tamiami Trail and explained the benefits to the Everglades.

Mayor Dermer commended Vice-Mayor Bower for bringing this issue forward.

Handout or Reference Material:

1. Color renderings of proposed project filed with Resolution 2005-25935.

R9F Review An Appeal By Miami Beach Hotel Investors, LLC, (Affected Entity), Petitioner Of An Order Of The Design Review Board Requested By Hotelarama Associates, LTD, Pertaining To DRB File No. 17369, Which Extended The Time To Obtain A Building Permit For A Previously Approved Project.
10:30 a.m. Public Hearing.

(City Clerk's Office)

ACTION: Item withdrawn at the request of the Petitioner's Attorney, Mr. Kent Harrison Robbins.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Notice of Petitioner's Voluntary Dismissal with prejudice submitted by Kent Harrison Robbins, Esq.
3. LTC 168-2005

R10 - City Attorney Reports

2:15:38 p.m.

R10A Notice Of Attorney-Client Session

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Club Madonna, Inc. V. City Of Miami Beach U.S. District Court, Southern District Of Florida, Case No. 05-21213 CIV-MOORE

Ell-Gee, Inc., Club Madonna, And Leroy Griffith V. City Of Miami Beach, 11th Judicial Circuit Case No. 04-3023-CA23

Therefore, A Private Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 6, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation. The Specific Time Period For And The Commencement Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Opening Of The Attorney-Client Session. The Termination Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Re-Opening Of The Commission Meeting After The Lunch Recess.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, First Assistant City Attorney Gary Held And Senior Assistant City Attorney Roberto Datorre.

ACTION: Announced and held.

Handout or Reference Materials:

1. Letter dated June 13, 2005 Re: Notice of Attorney-Client Session, from Murray H. Dubbin, City Attorney to Mayor David Dermer and Members of the City Commission.

2:16:47 p.m.

R10B Notice Of Attorney-Client Session

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

City Of Miami Beach, A Florida Municipal Corporation Vs. Miami-Dade County, Micky Biss And USA Express, Inc. District Court Of Appeal, Third District, Case No. 3D04-1589, Lower Tribunal No. 03-682 AP

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 6, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora J. Turner And Gary Held.

ACTION: Announced and held.

R10A & R20B**2:57:33 p.m.**

Mayor Dermer announced the close of the Sessions. A quorum was present, and he asked the City Attorney to describe the two Sessions held.

Donald Papy, Deputy City Attorney, stated that the Attorney Client Sessions were held for Club Madonna, Inc. Vs. City Of Miami Beach, Ell-Gee, Inc., Club Madonna, and Leroy Griffith Vs. City Of Miami Beach, 11th the City Of Miami Beach Vs. Miami-Dade County, Micky Biss and USA Express, Inc., District Court Of Appeal, Third District, Case No. 3D04-1589, Lower Tribunal No. 03-682 AP.

Mayor Dermer stated that the Sessions have concluded and the City Commission is now back in session. The meeting adjourned at 2:58:33 p.m.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

10:46:56 a.m.

- F Report By The City's State Representatives On The 2005 Florida Legislative Session.
(Economic Development)

ACTION: Written report submitted.

Gary Ruthledge, City's State Lobbyist, gave an oral report on the legislative year. He stated that he provided a detail report which is included in the Commission Agenda.

State Senator Gwen Margolis spoke.

Vice-Mayor Bower expressed her appreciation for the work and efforts that the State Lobbyists do for this City.

State Representative, Dan Gelber, the new minority leader, Gus Barreiro who is term-limited in 2006, and Dorothy Bendross-Mindingall, spoke.

Mayor Dermer thanked all of the speakers and also thanked Governor Bush.

Vice-Mayor Bower thanked Congresswoman Ileana Ros-Lehtinen for her efforts in making possible a grant of approximately \$900,000 that had lapsed for the Housing Authority.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 6, 2005**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of May 2005.

ACTION: Written report submitted.

10:09:10 a.m.

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute A Retail Lease Agreement With Training Camp Of South Beach 06, Inc., D/B/A Training Camp, For Suites 1, 2, 3 And 4 In The Anchor Shops, Located At 100 16th Street, Miami Beach, Florida, Subject To And Conditioned Upon Continued Compliance And Satisfaction Of The Terms And Conditions Set Forth In The Letter Agreement Between The Miami Beach Redevelopment Agency And Adolfo Dominguez USA, Inc., Dated December 8, 2004.

ACTION: Resolution No. 508-2005 adopted. Motion made by Board member Cruz; seconded by Board Member Bower; Voice vote: 7-0. Tim Hemstreet to handle.

Handout or Reference Materials

1. Document titled TC (logo) Training Camp.
2. Document titled Arrive, an evolutionary retail concept by Training Camp.

Meeting adjourned at 2:58:22 p.m.

End of RDA Agenda